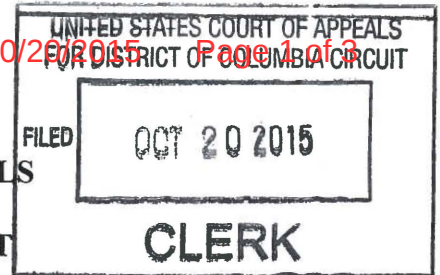


OCT 20 2015

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT

RECEIVED



Benjamin H. Realty Corp.,

X

Petitioner,

:

Case Nos. 22-RC-087792 and
22-CA-110689

vs.

:

15-1358

National Labor Relations Board,

:

PETITION FOR REVIEW

Respondent.

X

ORIGINAL

Benjamin H. Realty Corp., hereby petitions this Honorable Court for Review of two (2) Orders of the National Labor Relations Board, which stem from the Certification of a Labor Union, Residential Construction and General Service Workers, Laborers Local 55 (hereinafter referred to as "Local 55") from a Petition for Election filed in case number 22-RC-087792, as well as an Order of the Associate Executive Secretary denying Petitioner's request to Reopen the Hearing in the Petition due to newly discovered evidence. The Decision and Order in the Refusal to Bargain case was issued on August 25, 2015, and the Order denying Petitioner's Motion for Reconsideration and Motion to Reopen the Record is dated May 7, 2015.

Generally, Petitioner seeks to challenge the Certification of Local 55 through the subsequent Order in the "Refusal to Bargain" case, styled as case number 22-CA-110689, which held that the Petitioner violated Section 8(a)(5) of the National Labor Relations Act (29 U.S.C. Section 151 et seq.) by holding that the Employer has failed to recognize and bargain with Local 55 as the exclusive collective bargaining representative of a unit of employees of Petitioner. Petitioner also asks this Honorable Court to review the Order denying Petitioner's Motion for Reconsideration and Motion to Reopen the Record. Specifically, the election in this matter was

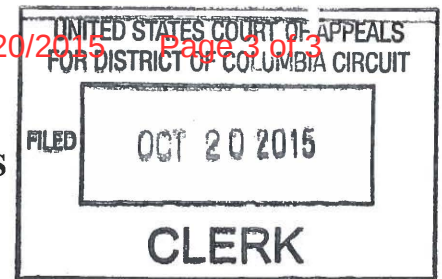
determined by the vote of one (1) individual, Pastor Perea, who the Employer maintained was a supervisor at the time of the election. While a Hearing was conducted following the election on this issue in December of 2012, Perea ultimately filed a New Jersey State Court Complaint on June 30, 2014, which maintains that the demotion occurred after the election, in direct conflict with his prior testimony. Petitioner should have been afforded an opportunity to reopen the record relative to this inconsistent position that is determinative of the Certification of Local 55.

Dated: October 16, 2015

Respectfully submitted:

By: 

Steven B. Horowitz, Esq.
Attorney for Petitioner
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101 Eisenhower Parkway
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973-226-1500
973-226-6888 (Facsimile)



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UNITED STATES COURT OF APPEALS
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Benjamin H. Realty Corp., X
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Case Nos. 22-RC-087792 and
22-CA-110689

15-1358

CERTIFICATE OF SERVICE

I, Pamela L. Smith, of full age, do hereby certify as follows:

On October 16, 2015 I caused a copy of Petitioner's Request for Review upon Richard F. Griffin, Jr., General Counsel, Office of the General Counsel, National Labor Relations Board, 1015 Half Street, SE, Washington, DC 20570-0001 via overnight mail and David E. Leach, III, Regional Director, National Labor Relations Board, Region 22, 20 Washington Place, 5th Floor, Newark, New Jersey 07102 via overnight mail.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: October 16, 2015

Pamela L. Smith

ORIGINAL